

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOARD OF ENVIRONMENTAL PROTECTION

IN RE: APPLICATION OF NORDIC AQUAFARMS, INC.
MEPDES Permit #ME0002771
City of Belfast, Waldo County

UPSTREAM WATCH
PETITION TO
INTERVENE AS PARTY

Upstream Watch, a non-profit corporation with a principal office and place of business in Belfast, Maine (“Upstream”), petitions to intervene as a party in the application or applications filed with the Department of Environmental Protection (DEP) by Nordic Aquafarms, Inc. (“Nordic”) in connection with its application and plan to construct and operate a salmon fish breeding, maturation and processing plant on land of or adjacent to the Belfast Water District and adjacent to the Little River (“the Project”).

Upstream seeks leave to intervene pursuant to the Department’s Administrative Rules, Chapter 3, RULES CONCERNING THE CONDUCT OF LICENSING HEARINGS, Section 11, Subsection A, **Intervention**.

In support of this Petition, Upstream states the following:

1. Upstream is a not-for-profit, tax-exempt corporation dedicated to the restoration of Maine Mid-Coast rivers and streams to their natural state, the removal of dams and restoration of fish passages and habitat, especially (at this time) the Little River in Belfast, through a program of scientific inquiry, advocacy, education and, when necessary, legal defense. Upstream has members from Belfast and the surrounding and nearby towns. Its members include people who live proximate to the proposed Project.
2. Upstream has members who enjoy the Little River, the forested land beside the Little River, the hiking trails along the river, fishing in the Little River, and who enjoy the many benefits of Penobscot Bay, including swimming, boating,

fishing and its many aesthetic values, all of which are threatened by the Project.

3. Upstream includes members who live and farm adjacent to the site of the Project and whose lives and farming activities including the raising of sheep, alpacas and other animals and the farming of mussels and harvesting of lobsters all of which will be disturbed and impaired by the proposed project, its noise, traffic and pollution.

4. Members of Upstream have never been contacted by Nordic to discuss the project and thus have limited information about the impact of the Project on their neighborhood and the natural resources they enjoy with other citizens of Maine.

5. Specific concerns of Upstream about the Project include, but are not limited to:

a. Interference with the ability and likelihood of the City of Belfast, and/or the Belfast Water Bureau, alone or in conjunction with others, removing the two dams and restoring the river to its natural state;

b. Delay in the City of Belfast complying with the finding and recommendation issued to it in 2015 to repair or remove the upper dam which has been determined by the dam inspectors and by the U.S Army Corps of Engineers in 1979, and appears to the naked eye, to be unsafe, and is therefor a threat to the safety of those persons living downstream of that dam, and presents a danger to life, property, and human health of Upstream members;

c. Noise and increased truck traffic from the Project disturbing livestock;

d. Noise and increased traffic from the project disturbing or destroying natural habitat of rare species that currently live adjacent to the Project;

e. Deposition of process waste into Penobscot Bay, polluting the Bay and impairing the farming of mussels and harvesting of lobsters, and fouling beaches where members and their families swim;

f. Creation of “useable products” from process waste without disclosure of the content of that waste;

- g. Undisclosed management of storm water from over forty acres of impervious surface;
 - h. Undisclosed management of air discharged from the process building;
 - i. Undisclosed management of the bio-medical waste generated by the Project; and
 - j. The destruction of many acres of virgin, or very old, forests when reasonable, viable and prudent alternatives to such destruction exist.
6. Consideration of the forgoing is required by:
- a. The Clean Air Act, 42 U.S.C. 7401, et seq. and State companion statutes and regulations;
 - b. The Clean Water Act, 33 U.S.C. 1251 et seq. and State companion statutes and regulations;
 - c. Maine State Regulations Chapter 38, Section 413, Waste Discharge Licenses;
 - d. Maine State Regulations Chapter 7 Part 10, Concentrated Animal Feed Operations;
 - e. Maine Statutes Title 38, Chapter 3, Site Location of Development;
 - f. Maine Statutes Title 38, Chapter 3, Wetlands;
 - g. Maine Statutes Title 38, Chapter 3 Natural Resources Protection Act; and
 - h. Maine Statutes Title 38, Chapter 3, Water Withdrawal.

WHEREFORE: Upstream and its members will be “substantially and directly affected by the proceeding.”

- 7. Spokesperson for Upstream is Amy Grant, President of Upstream.
- 8. Upstream is willing and able and prepared to participate in this Hearing as a Full Party, has retained an attorney and experts who have been studying the Project and are prepared to present expert testimony.

FOR THE ABOVE REASONS: Upstream requests that this Petition for Intervention be GRANTED.

Dated this ____ day of November, 2018.

Respectfully Submitted,

On Behalf Of: UPSTREAM WATCH

By: _____

Kim Ervin Tucker, Esq., Maine Bar No. 6969

48 Harbour Pointe Drive

Lincolntonville, Maine 04849

P: 202-841-5439

k.ervitucker@gmail.com

By: _____

David B. Losee, Esq., Pro Hoc Vice (Pending), CT Bar No. 034576

7 Highland Avenue

Camden, Maine 04843

P: 207-230-8013

C: 860-707-3215

David@loseelaw.com

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